

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

TYRONE CORNELIUS BURNS

PLAINTIFF

V.

5:07CV00124 JMM/JTR

EARNEST GOLDEN, Administrator;
and ARKANSAS COUNTY DETENTION CENTER

DEFENDANTS

ORDER OF DISMISSAL

On May 25, 2007, Plaintiff, who was a pretrial detainee at the Arkansas County Detention Center (“ACDC”), filed a *pro se* § 1983 Complaint stating, without explanation, that he was “denied medical, denied legal material.” *See* docket entry #2.

On May 31, 2007, the Court entered an Order giving Plaintiff thirty days to file an Amended Complaint containing information necessary to complete the screening function mandated by 28 U.S.C. § 1915A. *See* docket entry #3. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹ *Id.* Plaintiff has not provided the Court with the requested information, and

¹ Local Rule 5.5(c)(2) provides that: “It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.” (Emphasis added.)

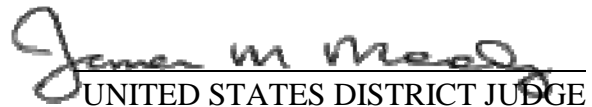
the time for doing so has expired.²

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly comply with the Court's May 31, 2007 Order.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 5th day of July, 2007.


UNITED STATES DISTRICT JUDGE

² On June 12, 2007, the May 31, 2007 Order was returned as undeliverable because Plaintiff was no longer confined at the ACDC. *See* docket entry #5. Plaintiff has not provided the Court with a forwarding address as required by Local Rule 5.5(c)(2). As previously mentioned, the Court cannot complete the screening function mandated by 28 U.S.C. § 1915A, without the requested information about the nature of Plaintiff's § 1983 claims. Accordingly, the case will be dismissed, without prejudice, so that Plaintiff may refile his § 1983 claims when and if he chooses to provide the Court with updated contact information.